

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 3:05-CV-66

DANIEL PUTMAN, ROGER PUTMAN,  
JOYCE PUTMAN, and JERRY FRITTS,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION ON  
CROSS MOTIONS FOR SUMMARY JUDGMENT

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge David J. Joel, filed December 21, 2006. Neither party filed objections to the Magistrate Judge's Report and Recommendation.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court, therefore, **ORDERS** that Plaintiff's Motion for Summary Judgment (Document No. 32) be **GRANTED**. Defendant's Cross Motion for Summary Judgment (Document No. 37) is **DENIED**. Accordingly, the Court hereby **DECLARES** that Nautilus Insurance Company has no duty to defend and no duty to indemnify Daniel Putman, Roger Putman, and Joyce Putman in connection with the civil action brought against them by Jerry Fritts, individually and as

**ORDER ADOPTING REPORT AND RECOMMENDATION**

---

the administrator of the Estate of Derrick Mitchell Fritts in the Circuit Court of Morgan County, West Virginia (Civil Action No. 03-C-35).

It is further **ORDERED** that this action be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to all counsel of record.

**DATED** this 19<sup>th</sup> day of January 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE